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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/902,466      | 07/10/2001  | Michael Pascazi      | 844-002             | 6786             |

7590 05/03/2005  
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| EXAMINER |
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TRAN, CONGVAN

| ART UNIT | PAPER NUMBER |
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2683

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/902,466

Applicant(s)

PASCAZI, MICHAEL

Examiner

CongVan Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/10/01 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 8-9, 12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al. (6,693,894).

Regarding claims 1, 12, Anderson discloses a communication network for transmitting telephone signals between first and second mobile stations, said system comprising: a first internet protocol interface configured to receive an incoming cell phone signal generated by the first mobile station, and to transmit said phone signal to the internet (see fig.3, elements 217, 309c, 308 and its description); and a second internet protocol interface configured to receive said phone signal sent through the internet by said first internet protocol interface and to transmit said phone signal to the second mobile station, such that users of the first and second mobile stations can engage in a conversation where said phone signals are communicated over substantial distances through the internet (see fig.3, elements 306, 309a, 308 and its description).

Regarding claims 2-3, Anderson further discloses of a first address reader module configured to read the phone number of the destination second mobile station

entered by the user the first mobile station (see fig.3, elements 309c, 317 fig.5 and its description).

Regarding claims 8-9, Anderson further discloses of a second software controller module configured to process address information of the second mobile station provided by the user of the first mobile station (see fig.3, elements 309a, 306 fig.5 and its description).

Regarding claim 14, Anderson discloses a communication network of transmitting cell phone signals between first and second mobile stations on a telephone system, said system having first and second internet protocol interfaces and first and second cell towers, said method comprising the steps of: generating a cell phone signal at a first mobile station (see fig.3, elements 317, 318 and its description); said cell phone signal is received by the first cell tower and communicated to the first internet protocol interface (see fig.3, elements 320c, 309c and its description); said cell phone signal is transmitted by the first internet protocol database into the internet (see fig.3, element 308 and its description); said cell phone signal is received by the second internet protocol interface and delivered to the second cell tower (see fig.3, elements 309a, 320a and its description); and said cell phone signal is received at the second mobile, such that the first and second mobile station are in communication with each other (see fig.3, elements 306, 317, fig.5 and its description).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5, 10-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al (6,693,894) in view of Albal (6,668,046).

Regarding claims 4, 11, Anderson discloses all the subject matters except for echo canceller. However, Albal discloses a telecommunication network receiving incoming calls from the communication device routed over the Internet via the VOIP unit including an echo canceller (see fig.2, element 52, 70, 64, 72, 60, col.12, lines 5-10 and its description). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use Albal's echo canceller to reduce distortion or cancel text-to-speech or playback echoes transmitted from network in order to improve the communication via voice over internet protocol (VOIP).

Regarding claims 5, 10, Albal further discloses A/D and D/A converter (fig.2, element 52, 70, 64, 72, 60, col.3, lines 34-47 and its description).

Regarding claim 13, Albal further discloses said phone signal can be transmitted from said first internet protocol interface to said second internet protocol interface via a private packet switched network (see fig.2, element 53, 54 and its description).

5. Claims 6-7 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al (6,693,894) in view of Lee et al. (6,847,632).

Regarding claims 6-7 and 15-16, Anderson discloses all the subject matters except for a packetized digital data stream. However, Lee discloses a Method and apparatus for digital cellular internet voice communications comprised of a internet

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protocol converter module configured to embed said phone signal into a packetized digital data stream for transmission through the internet and a internet protocol de-converter module configured to remove said phone signal from said packetized digital data stream (see abstract, fig.2 and its description).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CongVan Tran  
Primary Examiner  
Art Unit 2683

Apr. 26, 2005.